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Dated: September 2, 2003

Name of Person Certifying:

Printed Name:

Peggy Nichols

**RECEIVED****CENTRAL FAX CENTER****MAR 24 2004****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David Fikstad, et al.

Assignee: Watson Pharmaceuticals, Inc.

Filing Date: May 31, 2001

Examiner: Young, MP

Serial No.: 09/871,318

Group Art Unit: 1615

Title: TRANSDERMAL DELIVERY OF LASOFOXIFENE

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION**

Mail Stop AF

Commissioner for Patents

Alexandria, VA 22313-1450

Dear Sir:

This Amendment is submitted in response to the Decision on Petition issued July 2, 2003 (which enclosed a copy of the Final Office Action of November 5, 2002) by the U.S. Patent and Trademark Office withdrawing the holding of abandonment. A response or other action in the subject application is due September 2, 2003. Accordingly, this reply is timely filed.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

PA:52115478.1/2023913-7009742001

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DATE March 24, 2004

Bingham McCutchen LLP  
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650.849.4800 fax

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	NAME	FAX	PHONE
TO	Art Group Unit 1615 Attn: Examiner Young, MP	(703) 872-9306	

FROM	Antoinette F. Konski antoinette.konski@bingham.com	(650) 849-4800	(650) 849-4950
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PAGES (INCLUDING THIS COVER PAGE): 13

RE Communication  
U.S. Application Serial No.: 09/871,318

## MESSAGE

This facsimile consists of the following:

Fax Cover Sheet (1 pg);  
Transmittal Form (1 pg);  
Communication Forwarding Copy of Amendment and  
Response to Final Office Action Filed September 2, 2003 (11 pgs)

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PTO/SB/21 (04-03)

Approved for use through 07/31/2008. OMB 0851-0031  
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/871,318	
	Filing Date	May 31, 2001	
	First Named Inventor	David Fikstad	
	Art Unit	1615	
	Examiner Name	Young, MP	
Total Number of Pages in This Submission	12	Attorney Docket Number	WP 2001.00

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Communication Forwarding Copy of Amendment and Response to Final Office Action Filed September 2, 2003.</b>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bingham McCutchen LLP Antoinette F. Konski
Signature	<i>Antoinette Konski</i>
Date	March 24, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO Attn. Examiner Young at fax No. (703) 872-9306 on the date shown below.			
Typed or printed name	Peggy Nichols	Date	March 24, 2004
Signature	<i>Peggy Nichols</i>		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Dated: March 24, 2004

Name of Person Certifying:  
Printed Name:*Peggy Nichols*  
Peggy Nichols**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David Fikstad, et al.

Assignee: Watson Pharmaceuticals,  
Inc.

Filing Date: May 31, 2001

Examiner: Young, MP

Serial No.: 09/871,318

Group Art Unit: 1615

Title: TRANSDERMAL DELIVERY OF LASOFOXIFENE

**COMMUNICATION FORWARDING COPY OF AMENDMENT AND RESPONSE  
TO FINAL OFFICE ACTION FILED SEPTEMBER 2, 2003**Mail Stop AF  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in reply to the Examiner's Request for a fax copy of the Amendment submitted in response to the Decision on Petition issued July 2, 2003 (which enclosed a copy of the Final Office Action of November 5, 2002) by the U.S. Patent and Trademark Office withdrawing the holding of abandonment. Also enclosed is a copy of the postcard receipt showing the U.S. Patent Office mailroom stamp indicating a date of receipt of the original documents on September 4, 2003.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**, referencing attorney docket no.7009742001.

However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: March 24, 2004

By:



Antoinette F. Konski

Reg. No. 34,202

Bingham McCutchen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, CA 94111  
Telephone: (650) 856-2400  
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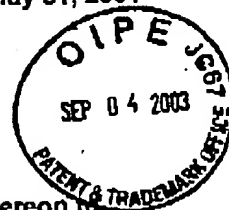
Mail  
Date Delivered September 2, 2003  
Applicant(s): David Fikstad, et al.  
Title: Transdermal Delivery of Lasofoxifene  
Serial No.: 09/871,318  
Due Date: September 2, 2003  
Docket No.: WP 2001.00  
Billing No.: 7009742001  
Filing Date: May 31, 2001  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/671,318	
	Filing Date	May 31, 2001	
	First Named Inventor	David Fikstad	
	Group Art Unit	1815	
	Examiner Name	Young, MP	
Total Number Of Pages In This Submission	6	Attorney Docket No.	WP 2001.00

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Antoinette F. Koski Bingham McCutchen LLP Three Embarcadero Center, Suite 1800 San Francisco, California 94111
Signature	<i>Antoinette Koski</i>
Date	Sept. 2, 2003

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September 2, 2003

*Peggy Nichols*

Peggy Nichols

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PA:52115581.1/2023913-7009742001